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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,952	06/26/2001	Hiroto Narioka	450100-03293	4096
20999	7590	09/08/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			TRAN, NGHI V	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/892,952

Applicant(s)

NARIOKA ET AL.

Examiner

Nghi V. Tran

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06/26/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 1-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/30/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Objections***

2. Claims 1-6 are objected to because of the following informalities: the word "processable" does not in a dictionary. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Taking claim 1 as an exemplary claim, the phrase "a format processable" is unclear.

Claims 2-6 are also rejected for the same reasons set forth in claim 1.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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6. Claims 1-2 and 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Dashefsky et al., U.S. Patent Number 6,098,048 (hereinafter Dashefsky).

Taking claim 1 as an exemplary claim, Dashefsky teaches an information processing apparatus for transmitting position information to other information processing apparatuses over a network (figure 2 and figure 3), comprising:

- position information acquiring means (item 32 of figure 2 and item 70 of figure 3) for acquiring said position information ( column 17, lines 59-62);
- position information converting means (items 54, 58, and 35 of figure 2) for converting said position information acquired by said position information acquiring means (item 32 of figure 2 and item 70 of figure 3) into a format processible by said other information processing apparatuses (column 18 lines 47-53); and
- transmitting means (items 60 and 30 of figure 2) for transmitting to said other information processing apparatuses said position information converted by said position information converting means (items 54, 58, and 35 of figure 2) into said format processible by said other information processing apparatuses (column 18, lines 40-45 and column 20, lines 31-33).

With respect to claim 2, Dashefsky further teaches the position information converting means (items 54, 58, and 35 of figure 2) converts said position information into said format processible by said other information processing apparatuses by supplementing said position information acquired by said position information acquiring means (item 32 of figure 2 and item 70 of figure 3) with peripheral information about

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surrounding of a position corresponding (item 30 figure 2) to said position information (figure 2-3, column 18, lines 34-53, and column 20, lines 31-33).

Claims 5-6 are also rejected for the same reasons set forth in claim 1.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dashefsky as applied to claims 1-2 and 5-6 above, and further in view of King et al., U.S. Patent Number 6,742,022 (hereinafter King).

With respect to claim 3, Dashefsky fails to teach "said position information converting means converts said position information supplemented with said peripheral information into an HTML format processible by said other information processing apparatuses". However, Dashefsky clearly disclose the position information converting means converts the position information supplemented with the peripheral information into the format processible by the other information processing apparatuses. King teaches an exchange of information between mobile devices (item 16 of figure 1) and servers (items 110, 112, and 114 of figure 2) using HTML (column 5, lines 58 to column 6, lines 11). Dashefsky and King are analogous art because they are from the same field of endeavor of transmitting information from mobile device to server. It would have been obvious to one having ordinary skill in the art, at the time of invention was made to

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modify Dashefsky in view of King by specifying the position information into HTML format. The motivation for doing so would have been obvious because HTML document is widely using on Internet that can be easily understood by any web browser.

With respect to claim 4, Dashefsky fails to teach "said transmitting means transmits said position information to said other information processing apparatuses either by electronic mail or by FTP, said position information having been converted by said position information converting means into said format processible by said other information processing apparatuses". However, Dashefsky clearly discloses the transmitting means transmits the position information to the other information processing apparatuses. King teaches the transmitting means that transmits service information between client device (item 206 of figure 2) and server device (item 202 of figure 2) by electronic mail (column 7, lines 33 to column 8, lines 10 and figure 2). It would have been obvious to one having ordinary skill in the art, at the time of invention was made to modify Dashefsky in view of King by transmitting the position information by electronic mail. The motivation for doing so would have been obvious because electronic mail is cheap, flexible, convenient, and easy to use.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. "Location Messaging System Using GPS," U.S. Patent Number 6,662,013, by Takiguchi et al.

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b. "Wireless Data Communication System Using A Microphone/Headphone Jack of Portable Phone," U.S. Patent Number 6,006,109, by Shin.

c. "Portable Information System For Receiving Information Via A Communication Network," U.S. Patent Number 6,760,770, by Kageyama.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (703) 305-0461. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi Tran

  
ZARNI MAUNG  
PRIMARY EXAMINER